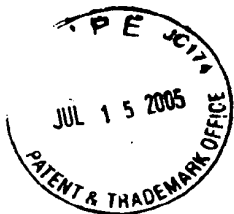


EXHIBIT
9



1344.40448X00
NC 32375 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Miska HANNUKSELA
Serial No.: 09/924,582
Filed: August 9, 2001
For: VIDEO CODING
Art Unit: 2613
Examiner: Charles E. Parsons

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 15, 2005

Sir:

This is in response to the Office Action of April 15, 2005. Please amend the above-identified application as listed below and as set forth on the following pages:

Amendments to the Claims

Remarks are included following the amendments

07/18/2005 HALI11 00000063 09924582

01 FC:1201 1200.00 OF
02 FC:1202 950.00 OF

Amendment to the Claims:

The listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims:

1. (Currently Amended) A method of encoding a video signal representing a sequence of pictures to form an encoded video signal, the method comprising receiving a first picture or a part thereof, encoding at least part of a the first picture or said part thereof, using a first encoding mode, of a sequence without reference to another picture of the sequence to form a first encoded representation of the first picture or said part thereof, and encoding said at least part of the first picture or said part thereof, using a second encoding mode, with reference to another picture of the sequence to produce a corresponding temporally predicted second encoded representation of the first picture or said part thereof.

2. (Currently Amended) A method according to claim 1, wherein every picture or part thereof encoded without reference to another picture is also encoded with reference to another picture of the sequence to form a corresponding temporally predicted second encoded representation of each respective picture or part.

3. (Original) A method according to claim 1, wherein said first picture or part thereof is encoded with reference to another picture occurring in the sequence temporally prior to said first picture.

4. (Original) A method according to claim 1, wherein said first picture or part thereof is encoded with reference to another picture occurring in the sequence temporally after said first picture.

5. (Original) A method according to claim 1, wherein said first picture or part thereof is encoded with reference to one or more other pictures occurring in the sequence.

6. (Currently Amended) A video encoder comprising
an input for receiving a video signal representing a sequence of pictures, the encoder being arranged to encode a first picture of the sequence or a part thereof, received at the input, using a first encoding mode, without reference to another picture of the sequence to form a first encoded representation of the first picture or said part thereof, and to encode said first picture or said part thereof, using a second encoding mode, with reference to another picture of the sequence to produce a corresponding temporally predicted second encoded representation of the first picture or said part thereof.

7. (Currently Amended) A video codec including a video encoder
according to claim 6, the video encoder comprising an input for receiving a video signal representing a sequence of pictures, the encoder being arranged to encode a first picture of the sequence or a part thereof, received at the input, using a first encoding mode, without reference to another picture of the sequence to form a first

encoded representation of the first picture or said part thereof, and to encode said first picture or said part thereof, using a second encoding mode, with reference to another picture of the sequence to produce a corresponding temporally predicted second encoded representation of the first picture or said part thereof.

8. (Currently Amended) A multimedia system including a video encoder according to claim 6, the video encoder comprising an input for receiving a video signal representing a sequence of pictures, the encoder being arranged to encode a first picture of the sequence or a part thereof, received at the input, using a first encoding mode, without reference to another picture of the sequence to form a first encoded representation of the first picture or said part thereof, and to encode said first picture or said part thereof, using a second encoding mode, with reference to another picture of the sequence to produce a corresponding temporally predicted second encoded representation of the first picture or said part thereof.

9. (Currently Amended) A method of encoding a video signal representing a sequence of pictures to form an encoded video signal, the method comprising receiving a segment of a first picture or part thereof, encoding at the segment of at the first picture or part thereof of the sequence using a first encoding mode without reference to another picture of the sequence to form a first encoded representation of the first picture segment or said part thereof, and encoding at least said segment of said first picture or part thereof using a second encoding mode with reference to another picture of the sequence to produce a corresponding temporally predicted second encoded representation of the first picture segment or said part thereof.

10. (Currently Amended) A method of video decoding comprising receiving an encoded video signal representing encoded pictures of a video sequence, the encoded video signal comprising a first encoded representation of a first picture or a part thereof, said first encoded representation having been formed, using a first encoding mode, by encoding said first picture or said part thereof without reference to another picture of the sequence, the encoded video signal further comprising a temporally predicted second encoded representation of the first picture or said part thereof, said temporally predicted second encoded representation having been formed, using a second encoding mode, by encoding said first picture or said part thereof with reference to another picture of the sequence, the method comprising determining whether a picture that is not temporally predicted or part of a picture that is not temporally predicted has been corrupted~~the first encoded representation of the first picture or said part thereof can be decoded~~ and, if not, monitoring the received encoded video signal for at~~the~~ temporally predicted second encoded representation of the first picture or said part thereof and, on receipt of the temporally predicted second encoded representation of the first picture or said part thereof, decoding the temporally predicted second encoded representation of the first picture or said part thereof with reference to said another picture.

11. (Currently Amended) A video decoder comprising:
 an input for receiving an encoded video signal representing encoded pictures of a video sequence, the encoded video signal comprising a first encoded representation of a first picture or a part thereof, said first encoded representation

having been formed, using a first encoding mode, by encoding said first picture or said part thereof without reference to another picture of the sequence, the encoded video signal further comprising a temporally predicted second encoded representation of the first picture or said part thereof, said temporally predicted second encoded representation having been formed, using a second encoding mode, by encoding said first picture or said part thereof with reference to another picture of the sequence, said video decoder being arranged to determine
~~determining whether a non-temporally predicted frame or part thereof has been corrupted~~
the first encoded representation of a first picture or said part thereof, received from the input, can be decoded and, if so not, to monitoring the received encoded video signal for a the temporally predicted second encoded representation of the first framepicture or said part thereof and, on receipt of a the temporally predicted second encoded representation of the first frame-picture or said part thereof, to control decoding of the temporally predicted second encoded representation of the frame-first picture or said part thereof with reference to said another frame-picture.

12. (Currently Amended) A portable electronic device incorporating a video encoder~~according to claim 6,~~ the video encoder comprising an input for receiving a video signal representing a sequence of pictures, the encoder being arranged to encode a first picture of the sequence or a part thereof, received at the input, using a first encoding mode, without reference to another picture of the sequence to form a first encoded representation of the first picture or said part thereof, and to encode said first picture or said part thereof, using a second encoding mode, with reference

to another picture of the sequence to produce a corresponding temporally predicted second encoded representation of the first picture or said part thereof.

13. (Currently Amended) A multimedia system including a video codec ~~according to claim 7,~~ the video encoder comprising an input for receiving a video signal representing a sequence of pictures, the encoder being arranged to encode a first picture of the sequence or a part thereof, received at the input, using a first encoding mode, without reference to another picture of the sequence to form a first encoded representation of the first picture or said part thereof, and to encode said first picture or said part thereof, using a second encoding mode, with reference to another picture of the sequence to produce a corresponding temporally predicted second encoded representation of the first picture or said part thereof.

14. (Currently Amended) A portable electronic device incorporating a video decoder ~~according to claim 11,~~ the video decoder comprising:

an input for receiving an encoded video signal representing encoded pictures of a video sequence, the encoded video signal comprising a first encoded representation of a first picture or a part thereof, said first encoded representation having been formed, using a first encoding mode, by encoding said first picture or said part thereof without reference to another picture of the sequence, the encoded video signal further comprising a temporally predicted second encoded representation of the first picture or said part thereof, said temporally predicted second encoded representation having been formed, using a second encoding mode, by encoding said first picture or said part thereof with reference to another

picture of the sequence, said video decoder being arranged to determine whether the first encoded representation of a first picture or part thereof, received from the input, can be decoded and, if not, to monitor the received encoded video signal for the temporally predicted second encoded representation of the first picture or said part thereof and, on receipt of the temporally predicted second encoded representation of the first picture or said part thereof, to control decoding of the temporally predicted second encoded representation of the first picture or said part thereof with reference to said another picture.

15. (Currently Amended) ~~The A system comprising a video encoder according to claim 6 and a video decoder, according to claim 11.~~

the video encoder comprising:

an input for receiving a video signal representing a sequence of pictures, the encoder being arranged to encode a first picture of the sequence or a part thereof, received at the input, using a first encoding mode, without reference to another picture of the sequence to form a first encoded representation of the first picture or said part thereof, and to encode said first picture or said part thereof, using a second encoding mode, with reference to another picture of the sequence to produce a corresponding temporally predicted second encoded representation of the first picture or said part thereof,

the video decoder comprising:

an input for receiving an encoded video signal representing encoded pictures of a video sequence, the encoded video signal comprising a first encoded representation of a first picture or a part thereof, said first encoded representation

having been formed, using a first encoding mode, by encoding said first picture or said part thereof without reference to another picture of the sequence, the encoded video signal further comprising a temporally predicted second encoded representation of the first picture or said part thereof, said temporally predicted second encoded representation having been formed, using a second encoding mode, by encoding said first picture or said part thereof with reference to another picture of the sequence, said video decoder being arranged to determine whether the first encoded representation of a first picture or said part thereof, received from the input, can be decoded and, if not, to monitor the received encoded video signal for the temporally predicted second encoded representation of the first picture or said part thereof and, on receipt of the temporally predicted second encoded representation of the first picture or said part thereof, to control decoding of the temporally predicted second encoded representation of the first picture or said part thereof with reference to said another picture.

16. (New) A video encoder according to claim 6, comprising a controller arranged to control processing means to encode a first picture or a part thereof received at the input.

17. (New) A video decoder according to claim 11, comprising a controller arranged to control processing means to decode a video signal received at the input.

18. (New) A video encoder according to claim 6, wherein the first encoding mode is an INTRA coding mode.

19. (New) A video encoder according to claim 6, wherein the second encoding mode is an INTER coding mode.

20. (New) A video encoder according to claim 6, wherein the second encoding mode provides a P frame.

21. (New) A video encoder according to claim 6, wherein the second encoding mode provides a B frame.

22. (New) A video encoder according to claim 6, wherein the second encoding mode is a forward prediction mode.

23. (New) A video encoder according to claim 6, wherein the second encoding mode is a backward prediction mode.

24. (New) A video encoder according to claim 16, wherein the controller is arranged to determine which picture is to be encoded in the first encoding mode based on feedback signalling from a decoder.

25. (New) A video encoder according to claim 16, wherein the controller is arranged to determine which picture is to be encoded in the first encoding mode based on prediction error.

26. (New) A video encoder according to claim 6, wherein the first picture or part thereof is associated with a scene cut.

27. (New) A video encoder according to claim 6, wherein the first picture or part thereof is associated with the very first picture of a video sequence.

28. (New) A video encoder according to claim 16, wherein the controller is arranged to control processing means to encode said first picture or part thereof in said first encoding mode at regular periodic intervals.

29. (New) A video encoder according to claim 6, wherein said other picture corresponds to the picture temporally closest to the first picture or said part thereof, said temporally closest picture or part thereof to be encoded in the first encoding mode.

30. (New) A video encoder according to claim 6, wherein the encoder is arranged to transmit encoded pictures or parts thereof in the order in which the pictures or said parts thereof are encoded.

31. (New) A video encoder according to claim 6, wherein the encoder is arranged to transmit pictures encoded in the first mode in groups without interspersing pictures encoded in a mode other than the first mode.

32. (New) A video encoder according to claim 6, wherein said other picture is a picture encoded in the first mode.

33. (New) A video encoder according to claim 6, wherein the video encoder is arranged to encode a third representation of the first picture or said part thereof, the third representation being encoded with respect to a different other picture than the second representation.

34. (New) A video encoder according to claim 16, wherein the encoder comprises a switch arranged to allow switching of the processing means between the first and second encoding modes.

35. (New) A decoder according to claim 11, wherein the decoder is arranged to discard the second representation of the first picture or said part thereof if the first representation has been previously decoded.

36. (New) A method of encoding a video signal according to claim 1, wherein the first picture or part thereof is associated with a scene cut.

37. (New) A method of encoding a video signal according to claim 1, comprising encoding a third representation of the first picture or said part thereof, the third representation being encoded with respect to a different other picture than the second representation.

38. (New) A method of decoding a video signal according to claim 10, wherein the first picture or part thereof is associated with a scene cut.

39. (New) A method of decoding a video signal according to claim 10, comprising decoding a third representation of the first picture or said part thereof, the third representation being encoded with respect to a different other picture than the second representation.

REMARKS

The present invention is a method of encoding a video signal representing a sequence of pictures to form an encoded video signal, a video encoder, a video codec, multimedia system, a method of video decoding, a video decoder, a portable electronic device incorporating a video encoder, the multimedia system including a video codec, a portable electronic device incorporating a video decoder, and a system comprising a video encoder and a video decoder. A method of encoding a video signal representing a sequence of pictures to form an encoded video signal in accordance with an embodiment of the invention includes receiving a first picture or a part thereof, encoding first picture or said part thereof using a first encoding mode without reference to another picture of the sequence to form a first encoded representation of the first picture or said part thereof, and encoding said first picture or said part thereof using a second encoding mode, with reference to another picture of the sequence to produce a corresponding temporally predicted second encoding representation of the first picture or said part thereof.

Reconsideration of the restriction requirement is respectfully requested. Submitted herewith is a system claim containing the subject matter of claim 15 as previously presented and claims 10, 11 and 14 pertaining to video decoding which have been previously removed by the Examiner's restriction requirement. In view of the arguments pertaining to the patentability of the encoding methodology, as set forth in all of the claims, including the claims pertaining to decoding, it is requested that the Examiner reconsider the finality of the restriction requirement and permit examination of those claims which are patentable for the reasons set forth below.

Claim 15 stands objected to for improper multiple dependency. The subject matter of claim 15 has been rewritten to recite the subject matter of claims 6 and 11 which the Examiner considered to be an improper multiple dependent claim.

Claims 1-7 and 9 stand rejected under 35 U.S.C. §102 as being unpatentable over United States Patent 6,591,041 (Ueda). These grounds of rejection are traversed for the following reasons.

Each of the independent claims 1 and 6-15 recites, inter alia, substantively the encoding of a video signal representing a sequence of pictures to form an encoded video signal from a first picture or a part thereof using a first encoding mode and encoding the first picture or the part thereof using a second encoding mode with reference to another picture of the sequence to produce the corresponding temporally predicted second encoded representation of the first picture or the part thereof. This subject matter has no counterpart in Ueda.

Ueda discloses in the referenced portions of column 2 and column 4, upon which the Examiner has relied, the encoding of a moving picture into INTRA-frames, a part of frames sandwiched between contiguous INTRA-frames into forward predicted frames and frames sandwiched between a forward predictive frame and another forward predictive frame or an INTRA-frame into a bidirectionally predictive frames which are respectively referred to as I, P, B frames. This encoding methodology utilizes only a single encoding mode in contrast to the claimed invention which provides for encoding of a picture or a part thereof with first and second encoding modes.

It is submitted that a person of ordinary skill in the art would not be led to modify the teachings of Ueda to arrive at the subject matter of claims 1-7 and 9.

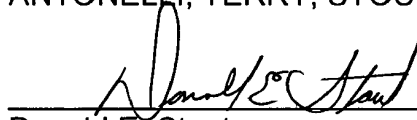
Claims 8, 12 and 13 stand rejected under 35 U.S.C. §103 as being unpatentable over Ueda in view of United States Patent 6,028,631 (Nakaya et al). Nakaya et al has been cited as disclosing a multimedia system and portable electronic device including a video encoder. The teachings of Nakaya et al do not cure the deficiencies noted above with respect to Ueda.

In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (1344.40448X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



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DES:dlh



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,582	08/09/2001	Miska Hannuksela	367.40448X00	2987
20457	7590	09/30/2005	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			PHILIPPE, GIMS S	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/924,582		Applicant(s) HANNUKSELA, MISKA	
	Examiner Gims S. Philippe		Art Unit 2613	
	-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --			

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 15 July 2005.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-39 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-39 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some * c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____
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Response to Amendment

1. Applicant's amendment received on July 15, 2005 in which claim 1-15 were amended, and claims 16-39 were added been fully considered and entered but the arguments are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ueda (US Patent no. 6591014)

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Regarding claims 1-2, 6-7 and 9, Ueda discloses the same apparatus and method of encoding a video signal representing a sequence of pictures to form an encoded video signal, the method comprising receiving a first picture or part thereof, encoding the first picture or the part thereof, using a first encoding mode, without reference to another picture of the sequence to form a first encoded representation of the first picture or the part thereof (See Ueda col. 2, lines 45-48, and col. 4, lines 61-62), and encoding said at least first picture or the part thereof, using a second encoding mode with reference to another picture of the sequence to produce a corresponding temporally predicted picture second encoded representation of the picture or part thereof (See Ueda col. 2, lines 50-51, col. 4, lines 62-64).

As per claims 3-5, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, Ueda further discloses encoding part of the first picture is encoded with reference to another picture occurring in the sequence temporally prior to the first picture (See col. 2, lines 4-18), and wherein the first picture or part thereof is encoded with reference to another picture occurring in the sequence temporally after the first picture (See Ueda col. 4, lines 60-67, col. 5, lines 1-5).

4. Claims 10-11, and 16-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakaya et al. (US Patent no. 6,028,631).

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As per claims 10-11, Nakaya discloses in fig. 3 the same apparatus and method of video decoding comprising receiving an encoded video signal representing encoded pictures of a video sequence, the encoded video signal comprising a first encoding representation of a first picture or a part thereof, the first encoded representation having been formed, using a first encoding mode, by encoding the first picture or the part thereof without reference to another picture of the sequence (See col. 6, lines 42-50), the encoded video signal further comprising a temporally predicted second encoded representation of the first picture or the part thereof, the temporally predicted second encoded representation having been formed using a second encoding mode, by encoding the first picture or part thereof with reference to another picture of the sequence, the method comprising determining whether the first encoded representation of the first picture or the part thereof can be decoded and, if not, monitoring the received encoded video signal for the temporally predicted second encoded representation of the first picture or the part thereof (See col. 6, lines 50-58) and, on receipt of the temporally predicted second encoded representation of the first picture or the part thereof, decoding the temporally predicted second encoded representation of the first picture or the part thereof with reference to another picture (See col. 6, lines 58-67 and col. 7, lines 1-10).

As per claim 14, most of the limitations of this claim have been noted in the above rejection of claims 10-11. In addition, Nakaya further suggests a decoder in a portable electronic device as disclosed in col. 2, lines 10-25, col. 5, lines 16-30.

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As per claim 15, most of the limitations of this claim have been noted in the above rejection of claim 10. In addition, the encoding is also provided in col. 5, lines 31-61.

As per claims 16, 18, 26-27, 29-32, 36 and 38, Ueda's Intraframe (I-frame in a GOP or part of a GOP) as disclosed in col. 4, lines 60-62, is a standard first picture of an MPEG video sequence, the first picture after a scene cut. Such designation is rather well known and common in MPEG (See fig. 10 of Ueda).

As per claims 17 and 28, controlling at periodic intervals is necessary in the encoder/decoder processing, thus, an inherent feature in the prior art of record.

As per claims 19-25, all of the limitations of these claims are found in Ueda col. 4, lines 29-67, and col. 5, lines 1-5.

Claims 33-35, 37, and 39, are considered as standard decisions in any MPEG application. All of these decisions are made either in decoding or encoding the picture. These limitations are met in Ueda col. 5, lines 5-56 as well as by Nakaya in col. 5, lines 31-67 and col. 6, lines 1-64.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 8, 12 and 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda (US Patent no. 6591014) in view of Nakaya et al. (US Patent no. 6028631).

Regarding claims 8, 12, and 13, most of the limitations of these claims have been noted in the above rejection of claims 6 and 7.

It is noted that Ueda is silent about a multimedia system and a portable electronic device including a video encoder.

Nakaya et al. discloses a multimedia system and a portable electronic device including a video encoder (See Nakaya col. 4, lines 53-67, and col. 5, lines 1-15).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Ueda's encoding method by providing Nakaya's multimedia system and a portable electronic device including a video encoder. The motivation for such a modification in Ueda is to take advantage of over traditional analog systems by supporting services such as video telephony and multimedia services via radio networks.

Response to Arguments

7. Applicant's arguments filed July 15, 2005 have been fully considered but they are not persuasive.

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The applicant argues that Ueda employs a single encoding mode while the claimed invention provides for encoding with first and second mode. The examiner respectfully disagrees. In fact, a quick look at the applicant dependent claims will show the same coding apparatus and method used by either Ueda or Nakaya. In fact, the applicant's claimed "coding without reference to another picture" is the well known Intraframe encoding (See applicant's own claims 1, 6, with claim 18). The applicant's arguments are not persuasive considering the added claims contradicting the presented arguments. For the record, the intraframe is the I frame; the first picture after a scene change is encoded without reference to any previous picture as an I-frame. Any skilled artisan need no specific reference to prove the preceding. In fact, either reference presented by the examiner does suggest encoding the first frame independently.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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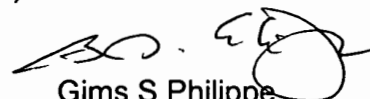
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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri S. Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gims S Philippe
Primary Examiner
Art Unit 2613

GSP

September 27, 2005

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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[illegible]

Examiner Signature		Date Considered	9/19/05
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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Index of Claims

Application/Control No.

09/924,582

Examiner

Gims S. Philippe

Applicant(s)/Patent under
Reexamination

HANNUKSELA, MISKA

Art Unit

2613

√	Rejected
=	Allowed

—	(Through numeral) Cancelled
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N	Non-Elected
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Search Notes**Application/Control No.**

09/924,582

Examiner

Gims S. Philippe

**Applicant(s)/Patent under
Reexamination**

HANNUKSELA, MISKA

Art Unit

2613

SEARCHED

Class	Subclass	Date	Examiner
375	240.12 240.27 240.01	9/27/2005	GP
	240.13		
	240.15		
382	236		

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
Updated previously searched areas	9/27/2005	GP



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B/b Data Sheet

CONFIRMATION NO. 2987

SERIAL NUMBER 09/924,582	FILING DATE 08/09/2001 RULE	CLASS 358	GROUP ART UNIT 2622	ATTORNEY DOCKET NO. 367.40448X00	
APPLICANTS Miska Hannuksela, Tampere, FINLAND; ** CONTINUING DATA <i>None</i> ** FOREIGN APPLICATIONS <i>Yes</i> UNITED KINGDOM 0019983.6 08/14/2000 IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 09/14/2001					
Foreign Priority claimed <input checked="" type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions met <input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance Verified and Acknowledged <i>2/2</i> Examiner's Signature Initials		STATE OR COUNTRY FINLAND	SHEETS DRAWING 7	TOTAL CLAIMS 14	INDEPENDENT CLAIMS 5
ADDRESS 020457					
TITLE Video coding					
FILING FEE RECEIVED 1000	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		